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1 **SECTION 3058.** 767.265 (2h) of the statutes is amended to read:

2 767.265 (2h) If a court-ordered assignment, including the assignment
3 specified under sub. (1) for the payment of any arrearages due, does not require
4 immediately effective withholding and a payer fails to make a required maintenance,
5 child support, spousal support or family support payment within 10 days after its due
6 date, within 20 days after the payment's due date the court ~~or~~, family court
7 commissioner or county child support agency under s. 59.53 (5) shall cause the
8 assignment to go into effect by providing notice of the assignment in the manner
9 provided under sub. (2r) and shall send a notice by regular mail to the last-known
10 address of the payer. The notice sent to the payer shall inform the payer that an
11 assignment is in effect and that the payer may, within a 10-day period, by motion
12 request a hearing on the issue of whether the assignment should remain in effect.
13 The court or family court commissioner shall hold a hearing requested under this
14 subsection within 10 working days after the date of the request. If at the hearing the
15 payer establishes that the assignment is not proper because of a mistake of fact, the
16 court or family court commissioner may direct that the assignment be withdrawn.
17 Either party may, within 15 working days after the date of a decision by a family court
18 commissioner under this subsection, seek review of the decision by the court with
19 jurisdiction over the action.

20 **SECTION 3059.** 767.265 (2h) of the statutes, as affected by 1999 Wisconsin Act
21 (this act), is amended to read:

22 767.265 (2h) If a court-ordered assignment, including the assignment
23 specified under sub. (1) for the payment of any arrearages due, does not require
24 immediately effective withholding and a payer fails to make a required maintenance,
25 child support, spousal support ~~or~~, family support or annual receiving and disbursing

1 fee payment within 10 days after its due date, within 20 days after the payment's due
2 date the court, family court commissioner or county child support agency under s.
3 59.53 (5) shall cause the assignment to go into effect by providing notice of the
4 assignment in the manner provided under sub. (2r) and shall send a notice by regular
5 mail to the last-known address of the payer. The notice sent to the payer shall inform
6 the payer that an assignment is in effect and that the payer may, within a 10-day
7 period, by motion request a hearing on the issue of whether the assignment should
8 remain in effect. The court or family court commissioner shall hold a hearing
9 requested under this subsection within 10 working days after the date of the request.
10 If at the hearing the payer establishes that the assignment is not proper because of
11 a mistake of fact, the court or family court commissioner may direct that the
12 assignment be withdrawn. Either party may, within 15 working days after the date
13 of a decision by a family court commissioner under this subsection, seek review of the
14 decision by the court with jurisdiction over the action.

15 **SECTION 3060.** 767.265 (2m) of the statutes is created to read:

16 767.265 (2m) (a) 1. An obligation to pay unpaid fees under s. 767.29 (1) (dm)
17 1m. constitutes an assignment of all commissions, earnings, salaries, wages, pension
18 benefits, benefits under ch. 102 or 108, lottery prizes that are payable in instalments
19 and other money due or to be due in the future to the department or its designee.

20 2. An obligation to pay unpaid fees under s. 767.29 (1) (dm) 2m. constitutes an
21 assignment of all commissions, earnings, salaries, wages, pension benefits, benefits
22 under ch. 102 or 108, lottery prizes that are payable in instalments and other money
23 due or to be due in the future to the clerk of court to whom the fees are owed, or to
24 his or her successor.

1 (b) The county child support agency under s. 59.53 (5) may cause an assignment
2 under par. (a) to go into effect by providing notice of the assignment in the manner
3 provided under sub. (2r) and sending a notice by regular mail to the last-known
4 address of the payer. The notice sent to the payer shall inform the payer that an
5 assignment is in effect and that the payer may, within a 10-day period, by motion
6 request a hearing on the issue of whether the assignment should remain in effect.
7 The court or family court commissioner shall hold a hearing requested under this
8 paragraph within 10 working days after the date of the request. If at the hearing the
9 payer establishes that the assignment is not proper because of a mistake of fact, the
10 court or family court commissioner may direct that the assignment be withdrawn.
11 The payer or the county child support agency may, within 15 working days after the
12 date of a decision by a family court commissioner under this paragraph, seek review
13 of the decision by the court with jurisdiction over the action.

14 **SECTION 3061.** 767.265 (2r) of the statutes, as affected by 1997 Wisconsin Act
15 191, section 414, is amended to read:

16 767.265 (2r) Upon entry of each order for child support, maintenance, family
17 support or, support by a spouse or the annual receiving and disbursing fee, and upon
18 approval of each stipulation for child support, unless the court finds that income
19 withholding is likely to cause the payer irreparable harm or unless s. 767.267
20 applies, the court, family court commissioner or county child support agency under
21 s. 59.53 (5) shall provide notice of the assignment by regular mail or by facsimile
22 machine, as defined in s. 134.72 (1) (a), or other electronic means to the last-known
23 address of the person from whom the payer receives or will receive money. The notice
24 shall provide that the amount withheld may not exceed the maximum amount that
25 is subject to garnishment under 15 USC 1673 (b) (2). If the department or its

1 designee, whichever is appropriate, does not receive the money from the person
2 notified, the court, family court commissioner or county child support agency under
3 s. 59.53 (5) shall provide notice of the assignment to any other person from whom the
4 payer receives or will receive money. Notice under this subsection may be a notice
5 of the court, a copy of the executed assignment or a copy of that part of the court order
6 directing payment.

7 **SECTION 3061c.** 767.265 (3h) of the statutes, as affected by 1997 Wisconsin Act
8 191, section 415, is amended to read:

9 767.265 (3h) A person who receives notice of assignment under this section or
10 s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (c) or 767.62 (4) (b) 3.~~ or similar laws
11 of another state shall withhold the amount specified in the notice from any money
12 that person pays to the payer later than one week after receipt of notice of
13 assignment. Within 5 days after the day the person pays money to the payer, the
14 person shall send the amount withheld to the department or its designee, whichever
15 is appropriate, or, in the case of an amount ordered withheld for health care
16 expenses, to the appropriate health care insurer, provider or plan. With each
17 payment sent to the department or its designee, the person from whom the payer
18 receives money shall report to the department or its designee the payer's gross
19 income or other gross amount from which the payment was withheld. Except as
20 provided in sub. (3m), for each payment sent to the department or its designee, the
21 person from whom the payer receives money shall receive an amount equal to the
22 person's necessary disbursements, not to exceed \$3, which shall be deducted from the
23 money to be paid to the payer. Section 241.09 does not apply to assignments under
24 this section.

25 **SECTION 3061cd.** 767.265 (4) of the statutes is amended to read:

1 767.265 (4) A withholding assignment or order under this section or s. 767.23
2 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ has priority over any other
3 assignment, garnishment or similar legal process under state law.

4 **SECTION 3061ce.** 767.265 (6) (a) of the statutes, as affected by 1997 Wisconsin
5 Act 191, section 420, is amended to read:

6 767.265 (6) (a) Except as provided in sub. (3m), if after receipt of notice of
7 assignment the person from whom the payer receives money fails to withhold the
8 money or send the money to the department or its designee or the appropriate health
9 care insurer, provider or plan as provided in this section or s. 767.23 (1) (L), or 767.25
10 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~, the person may be proceeded against
11 under the principal action under ch. 785 for contempt of court or may be proceeded
12 against under ch. 778 and be required to forfeit not less than \$50 nor more than an
13 amount, if the amount exceeds \$50, that is equal to 1% of the amount not withheld
14 or sent.

15 **SECTION 3061cf.** 767.265 (6) (b) of the statutes, as affected by 1997 Wisconsin
16 Act 191, section 422, is amended to read:

17 767.265 (6) (b) If an employer who receives an assignment under this section
18 or s. 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ fails to notify
19 the department or its designee, whichever is appropriate, within 10 days after an
20 employee is terminated or otherwise temporarily or permanently leaves employment,
21 the employer may be proceeded against under the principal action under ch. 785 for
22 contempt of court.

23 **SECTION 3061cg.** 767.265 (6) (c) of the statutes is amended to read:

24 767.265 (6) (c) No employer may use an assignment under this section or s.
25 767.23 (1) (L), or 767.25 (4m) (c), ~~767.51 (3m) (e) or 767.62 (4) (b) 3.~~ as a basis for the

1 denial of employment to a person, the discharge of an employe or any disciplinary
2 action against an employe. An employer who denies employment or discharges or
3 disciplines an employe in violation of this paragraph may be fined not more than
4 \$500 and may be required to make full restitution to the aggrieved person, including
5 reinstatement and back pay. Except as provided in this paragraph, restitution shall
6 be in accordance with s. 973.20. An aggrieved person may apply to the district
7 attorney or to the department for enforcement of this paragraph.

8 **SECTION 3061ch.** 767.267 (1) of the statutes, as affected by 1997 Wisconsin Act
9 27, is amended to read:

10 767.267 (1) If the court or the family court commissioner determines that
11 income withholding under s. 767.265 is inapplicable, ineffective or insufficient to
12 ensure payment under an order or stipulation specified in s. 767.265 (1), or that
13 income withholding under s. 767.25 (4m) (c) ~~or 767.51 (3m) (c)~~ is inapplicable,
14 ineffective or insufficient to ensure payment of a child's health care expenses,
15 including payment of health insurance premiums, ordered under s. 767.25 (4m) or
16 767.51 (3m), the court or family court commissioner may require the payer to identify
17 or establish a deposit account, owned in whole or in part by the payer, that allows for
18 periodic transfers of funds and to file with the financial institution at which the
19 account is located an authorization for transfer from the account to the department
20 or its designee, whichever is appropriate. The authorization shall be provided on a
21 standard form approved by the court and shall specify the frequency and the amount
22 of transfer, sufficient to meet the payer's obligation under the order or stipulation,
23 as required by the court or family court commissioner. The authorization shall
24 include the payer's consent for the financial institution or an officer, employe or agent
25 of the financial institution to disclose information to the court, family court

1 commissioner, county child support agency under s. 59.53 (5), department or
2 department's designee regarding the account for which the payer has executed the
3 authorization for transfer.

4 **SECTION 3062.** 767.29 (1) (d) (intro.) and 1. of the statutes, as created by 1997
5 Wisconsin Act 27, are consolidated, renumbered 767.29 (1) (d) and amended to read:

6 767.29 (1) (d) For receiving and disbursing maintenance, child support or
7 family support payments, and for maintaining the records required under par. (c),
8 the department or its designee shall collect an annual fee of \$25 to be paid by each
9 party ordered to make payments. The court or family court commissioner shall order
10 each party ordered to make payments to pay the annual fee under this paragraph at
11 the time of, and in addition to, the first payment to the department or its designee
12 in each year for which payments are ordered. In directing the manner of payment
13 of the annual fee, the court or family court commissioner shall order that the annual
14 fee be withheld from income and sent to the department or its designee, as provided
15 under s. 767.265. All fees collected under this paragraph shall be deposited in the
16 appropriation account under s. 20.445 (3) (ja). At the time of ordering the payment
17 of an annual fee under this paragraph, the court or family court commissioner shall
18 notify each party ordered to make payments of the requirement to pay the annual
19 fee and of the amount of the annual fee. If the annual fee under this section
20 paragraph is not paid when due, the department or its designee may not deduct the
21 annual fee from the maintenance or child or family support payment, but may do any
22 of the following: 1. ~~Move~~ move the court for a remedial sanction under ch. 785.

23 **SECTION 3063.** 767.29 (1) (d) 2. of the statutes, as created by 1997 Wisconsin
24 Act 27, is repealed.

25 **SECTION 3064.** 767.29 (1) (dm) of the statutes is created to read:

1 767.29 (1) (dm) 1m. The department or its designee may collect any unpaid fees
2 under s. 814.61 (12) (b), 1997 stats., that are shown on the department's automated
3 payment and collection system on December 31, 1998, and shall deposit all fees
4 collected under this subdivision in the appropriation account under s. 20.445 (3) (ja).
5 The department or its designee may collect unpaid fees under this subdivision
6 through income withholding under s. 767.265 (2m). If the department or its designee
7 determines that income withholding is inapplicable, ineffective or insufficient for the
8 collection of any unpaid fees under this subdivision, the department or its designee
9 may move the court for a remedial sanction under ch. 785. The department or its
10 designee may contract with or employ a collection agency or other person for the
11 collection of any unpaid fees under this subdivision and, notwithstanding s. 20.930,
12 may contract with or employ an attorney to appear in any action in state or federal
13 court to enforce the payment obligation. The department or its designee may not
14 deduct the amount of unpaid fees from any maintenance or child or family support
15 payment.

16 2m. A clerk of court may collect any unpaid fees under s. 814.61 (12) (b), 1997
17 stats., that are owed to the clerk of court, or to his or her predecessor, and that were
18 not shown on the department's automated payment and collection system on
19 December 31, 1998, through income withholding under s. 767.265 (2m). If the clerk
20 of court determines that income withholding is inapplicable, ineffective or
21 insufficient for the collection of any unpaid fees under this subdivision, the clerk of
22 court may move the court for a remedial sanction under ch. 785.

~~23~~ **SECTION 3064m.** 767.325 (4m) of the statutes is created to read:

24 **767.325 (4m) DENIAL OF PHYSICAL PLACEMENT FOR KILLING OTHER PARENT.** (a)
25 Notwithstanding subs. (1) to (4), upon petition, motion or order to show cause by a

1 party or on its own motion, a court shall modify a physical placement order by
2 denying a parent physical placement with a child if the parent has been convicted
3 under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the
4 2nd-degree intentional homicide, of the child's other parent, and the conviction has
5 not been reversed, set aside or vacated.

6 (b) Paragraph (a) does not apply if the court determines by clear and convincing
7 evidence that physical placement with the parent would be in the best interests of
8 the child. The court shall consider the wishes of the child in making the
9 determination.

10 **SECTION 3065c.** 767.29 (1m) (intro.) of the statutes, as affected by 1997
11 Wisconsin Act 191, section 427, is amended to read:

12 767.29 (1m) (intro.) Notwithstanding ss. 767.25 (6), and 767.261, 767.51 (5p)
13 and 767.62 (4) (g), if the department or its designee receives support or maintenance
14 money that exceeds the amount due in the month in which it is received and that the
15 department or its designee determines is for support or maintenance due in a
16 succeeding month, the department or its designee may hold the amount of
17 overpayment that does not exceed the amount due in the next month for
18 disbursement in the next month if any of the following applies:

19 **SECTION 3065cd.** 767.295 (2) (a) (intro.) of the statutes is amended to read:

20 767.295 (2) (a) (intro.) In an action for modification of a child support order
21 under s. 767.32, an action in which an order for child support is required under s.
22 767.25 (1), 767.51 (3) or 767.62 (4) ~~(a)~~ or a contempt of court proceeding to enforce a
23 child support or family support order in a county that contracts under s. 49.36 (2),
24 the court may order a parent who is not a custodial parent to register for a work

1 experience and job training program under s. 49.36 if all of the following conditions
2 are met:

3 **SECTION 3065ce.** 767.295 (2) (c) of the statutes is amended to read:

4 767.295 (2) (c) If the court enters an order under par. (a), it shall order the
5 parent to pay child support equal to the amount determined by applying the
6 percentage standard established under s. 49.22 (9) to the income a person would earn
7 by working 40 hours per week for the federal minimum hourly wage under 29 USC
8 206 (a) (1) or equal to the amount of child support that the parent was ordered to pay
9 in the most recent determination of support under this chapter. The child support
10 obligation ordered under this paragraph continues until the parent makes timely
11 payment in full for 3 consecutive months or until the person participates in the
12 program under s. 49.36 for 16 weeks, whichever comes first. The court shall provide
13 in its order that the parent must make child support payments calculated under s.
14 767.25 (1j) or (1m), ~~767.51 (4m) or (5) or 767.62 (4) (d) 1. or (e)~~ after the obligation to
15 make payments ordered under this paragraph ceases.

16 **SECTION 3065cf.** 767.303 (1) of the statutes is amended to read:

17 767.303 (1) If a person fails to pay a payment ordered for support under s.
18 767.077, support under s. 767.08, child support or family support under s. 767.23,
19 child support under s. 767.25, family support under s. 767.261, revised child or
20 family support under s. 767.32, child support under s. 767.458 (3), child support
21 under s. 767.458 (3), child support under s. 767.51, child support under s. 767.62 (4)
22 ~~(a)~~, child support under ch. 769 or child support under s. 948.22 (7), the payment is
23 90 or more days past due and the court finds that the person has the ability to pay
24 the amount ordered, the court may suspend the person's operating privilege, as
25 defined in s. 340.01 (40), until the person pays all arrearages in full or makes

1 payment arrangements that are satisfactory to the court, except that the suspension
2 period may not exceed 5 years. If otherwise eligible, the person is eligible for an
3 occupational license under s. 343.10 at any time.

4 **SECTION 3065cg.** 767.303 (1) of the statutes, as affected by 1997 Wisconsin Act
5 84, is amended to read:

6 767.303 (1) If a person fails to pay a payment ordered for support under s.
7 767.077, support under s. 767.08, child support or family support under s. 767.23,
8 child support under s. 767.25, family support under s. 767.261, revised child or
9 family support under s. 767.32, child support under s. 767.458 (3), child support
10 under s. 767.477, child support under s. 767.51, child support under s. 767.62 (4) (a),
11 child support under ch. 769 or child support under s. 948.22 (7), the payment is 90
12 or more days past due and the court finds that the person has the ability to pay the
13 amount ordered, the court may suspend the person's operating privilege, as defined
14 in s. 340.01 (40), until the person pays all arrearages in full or makes payment
15 arrangements that are satisfactory to the court, except that the suspension period
16 may not exceed 2 years. If otherwise eligible, the person is eligible for an
17 occupational license under s. 343.10 at any time.

18 **SECTION 3065ch.** 767.32 (1) (b) 4. of the statutes is amended to read:

19 767.32 (1) (b) 4. A difference between the amount of child support ordered by
20 the court to be paid by the payer and the amount that the payer would have been
21 required to pay based on the percentage standard established by the department
22 under s. 49.22 (9) if the court did not use the percentage standard in determining the
23 child support payments and did not provide the information required under s. 46.10
24 (14) (d), 301.12 (14) (d), or 767.25 (1n), ~~767.51 (5d) or 767.62 (4) (f)~~, whichever is
25 appropriate.

1 **SECTION 3065ci.** 767.32 (2m) of the statutes is amended to read:

2 767.32 (2m) Upon request by a party, the court may modify the amount of
3 revised child support payments determined under sub. (2) if, after considering the
4 factors listed in s. 767.25 (1m), ~~767.51 (5) or 767.62 (4) (e)~~, as appropriate, the court
5 finds, by the greater weight of the credible evidence, that the use of the percentage
6 standard is unfair to the child or to any of the parties.

7 **SECTION 3065cj.** 767.325 (2m) of the statutes is created to read:

8 767.325 (2m) MODIFICATION OF PERIODS OF PHYSICAL PLACEMENT FOR FAILURE TO
9 EXERCISE PHYSICAL PLACEMENT. Notwithstanding subs. (1) and (2), upon petition,
10 motion or order to show cause by a party, a court may modify an order of physical
11 placement at any time with respect to periods of physical placement if it finds that
12 a parent has repeatedly and unreasonably failed to exercise periods of physical
13 placement awarded under an order of physical placement that allocates specific
14 times for the exercise of periods of physical placement.

15 **SECTION 3065ck.** 767.325 (5m) of the statutes is created to read:

16 767.325 (5m) FACTORS TO CONSIDER. In all actions to modify legal custody or
17 physical placement orders, the court shall consider the factors under s. 767.24 (5) and
18 shall make its determination in a manner consistent with s. 767.24.

19

20 **SECTION 3065cL.** 767.325 (6m) of the statutes is created to read:

21 767.325 (6m) PARENTING PLAN. In any action to modify a legal custody or
22 physical placement order under sub. (1), the court may require the party seeking the
23 modification to file with the court a parenting plan under s. 767.24 (1m) before any
24 hearing is held.

25 **SECTION 3065cm.** 767.327 (4) of the statutes is amended to read:

1 767.327 (4) GUARDIAN AD LITEM; PROMPT HEARING. After a petition, motion or
2 order to show cause is filed under sub. (3), the court shall appoint a guardian ad litem,
3 unless s. 767.045 (1) (am) applies, and shall hold a hearing as soon as possible.

4 **SECTION 3065cn.** 767.327 (5m) of the statutes is created to read:

5 767.327 (5m) DISCRETIONARY FACTORS TO CONSIDER. In making a determination
6 under sub. (3), the court may consider the child's adjustment to the home, school,
7 religion and community.

8 **SECTION 3065co.** 767.45 (7) of the statutes is amended to read:

9 767.45 (7) The clerk of court shall provide without charge, to each person
10 bringing an action under this section, except to the state under sub. (1) (g) or (6m),
11 a document setting forth the percentage standard established by the department
12 under s. 49.22 (9) and listing the factors which a court may consider under s. ~~767.51~~
13 ~~(5)~~ 767.25 (1m).

14 **SECTION 3065cp.** 767.455 (6) of the statutes is amended to read:

15 767.455 (6) DOCUMENT. The summons served on the respondent shall be
16 accompanied by a document, provided without charge by the clerk of court, setting
17 forth the percentage standard established by the department under s. 49.22 (9) and
18 listing the factors which a court may consider under s. ~~767.51 (5)~~ 767.25 (1m).

19 **SECTION 3065cpm.** 767.475 (2m) of the statutes is created to read:

20 767.475 (2m) If there is no presumption of paternity under s. 891.41 (1), the
21 mother shall have sole legal custody of the child until the court orders otherwise.

22 **SECTION 3065cq.** 767.477 (1) of the statutes is amended to read:

23 767.477 (1) At any time during the pendency of an action to establish the
24 paternity of a child, if genetic tests show that the alleged father is not excluded and
25 that the statistical probability of the alleged father's parentage is 99.0% or higher,

1 on the motion of a party, the court shall make ~~an~~ appropriate temporary ~~order~~ orders
2 for the payment of child support ~~and may make a temporary order~~, assigning
3 responsibility for and directing the manner of payment of the child's health care
4 expenses and for the custody and physical placement of the child.

5 **SECTION 3065cr.** 767.477 (2) of the statutes is amended to read:

6 767.477 (2) Before making any temporary order under sub. (1), the court shall
7 consider those factors that the court is required ~~under s. 767.51~~ to consider when
8 granting a final judgment on the same subject matter. If the court makes a
9 temporary child support order that deviates from the amount of support that would
10 be required by using the percentage standard established by the department under
11 s. 49.22 (9), the court shall comply with the requirements of s. ~~767.51 (5d)~~ 767.25 (1n).

12 **SECTION 3065cs.** 767.51 (3) of the statutes is repealed and recreated to read:

13 767.51 (3) A judgment or order determining paternity shall contain all of the
14 following provisions:

- 15 (a) An adjudication of the paternity of the child.
- 16 (b) Orders for the legal custody of and periods of physical placement with the
17 child, determined in accordance with s. 767.24.
- 18 (c) An order requiring either or both of the parents to contribute to the support
19 of any child of the parties who is less than 18 years old, or any child of the parties who
20 is less than 19 years old if the child is pursuing an accredited course of instruction
21 leading to the acquisition of a high school diploma or its equivalent, determined in
22 accordance with s. 767.25.
- 23

1 (d) A determination as to which parent, if eligible, shall have the right to claim
2 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or
3 as an exemption for state tax purposes under s. 71.07 (8) (b).

4 (e) An order requiring the father to pay or contribute to the reasonable expenses
5 of the mother's pregnancy and the child's birth, based on the father's ability to pay
6 or contribute to those expenses.

7 (f) An order requiring either or both parties to pay or contribute to the costs of
8 the guardian ad litem fees, genetic tests as provided in s. 767.48 (5) and other costs.

9 (g) An order requiring either party to pay or contribute to the attorney fees of
10 the other party.

11 **SECTION 3065ct.** 767.51 (3m) of the statutes, as affected by 1997 Wisconsin Act
12 27, is repealed.

13 

14 **SECTION 3065cu.** 767.51 (3r) of the statutes is repealed.

15 **SECTION 3065cv.** 767.51 (4) of the statutes is repealed and recreated to read:

16 767.51 (4) (a) Subject to par. (b), liability for past support of the child shall be
17 limited to support for the period after the day on which the petition in the action
18 under s. 767.45 is filed, unless a party shows, to the satisfaction of the court, all of
19 the following:

20 1. That he or she was induced to delay commencing the action by any of the
21 following:

22 a. Duress or threats.

23 b. Actions, promises or representations by the other party upon which the party
24 relied.

25 c. Actions taken by the other party to evade paternity proceedings.

1 2. That, after the inducement ceased to operate, he or she did not unreasonably
2 delay in commencing the action.

3 (b) In no event may liability for past support of the child be imposed for any
4 period before the birth of the child..

5 **SECTION 3065cw.** 767.51 (4g) of the statutes is repealed.

6 **SECTION 3065cx.** 767.51 (4m) of the statutes is repealed.

7 **SECTION 3065cy.** 767.51 (5) of the statutes is repealed.

8 **SECTION 3065d.** 767.51 (5d) of the statutes is repealed.

9 **SECTION 3065dd.** 767.51 (5p) of the statutes, as affected by 1997 Wisconsin Act
10 191, is repealed.

11 **SECTION 3065de.** 767.53 (intro.) of the statutes is amended to read:

12 **767.53 Paternity hearings and records; confidentiality.** (intro.) Any
13 hearing, discovery proceeding or trial relating to paternity determination shall be
14 closed to any person other than those necessary to the action or proceeding. Any
15 record of the pending proceedings shall be placed in a closed file, except that:

16 **SECTION 3065df.** 767.53 (1) (intro.) of the statutes is amended to read:

17 767.53 (1) (intro.) Access to the record of any pending ~~or past~~ proceeding
18 involving the paternity of the same child shall be allowed to all of the following:

19 **SECTION 3065dg.** 767.53 (3) of the statutes is created to read:

20 767.53 (3) Subject to s. 767.19, a record of a past proceeding is open to public
21 inspection if all of the following apply:

22 (a) Paternity was established in the proceeding.

23 (b) The record is filed after the effective date of this paragraph [revisor
24 inserts date].

25 (c) The record relates to a post-adjudication issue.

1 **SECTION 3065dh.** 767.62 (4) of the statutes, as affected by 1997 Wisconsin Act
2 191, is repealed and recreated to read:

3 **767.62 (4) ORDERS WHEN PATERNITY ACKNOWLEDGED.** In an action under sub. (3)
4 (a), if the persons who signed and filed the statement acknowledging paternity as
5 parents of the child had notice of the hearing, the court or family court commissioner
6 shall make an order that contains all of the following provisions:

7 (a) Orders for the legal custody of and periods of physical placement with the
8 child, determined in accordance with s. 767.24.

9 (b) An order requiring either or both of the parents to contribute to the support
10 of any child of the parties who is less than 18 years old, or any child of the parties who
11 is less than 19 years old if the child is pursuing an accredited course of instruction
12 leading to the acquisition of a high school diploma or its equivalent, determined in
13 accordance with s. 767.25.

14 (c) A determination as to which parent, if eligible, shall have the right to claim
15 the child as an exemption for federal tax purposes under 26 USC 151 (c) (1) (B), or
16 as an exemption for state tax purposes under s. 71.07 (8) (b).

17 (d) An order requiring the father to pay or contribute to the reasonable
18 expenses of the mother's pregnancy and the child's birth, based on the father's ability
19 to pay or contribute to those expenses.

20 (e) An order requiring either or both parties to pay or contribute to the costs
21 of the guardian ad litem fees and other costs.

22 (f) An order requiring either party to pay or contribute to the attorney fees of
23 the other party.

24 **SECTION 3065di.** 767.62 (4m) of the statutes is created to read:

1 767.62 (4m) LIABILITY FOR PAST SUPPORT. (a) Subject to par. (b), liability for past
2 support of the child shall be limited to support for the period after the day on which
3 the petition, motion or order to show cause requesting support is filed in the action
4 for support under sub. (3) (a), unless a party shows, to the satisfaction of the court,
5 all of the following:

6 1. That he or she was induced to delay commencing the action by any of the
7 following:

8 a. Duress or threats.

9 b. Actions, promises or representations by the other party upon which the party
10 relied.

11 c. Actions taken by the other party to evade proceedings under sub. (3) (a).

12 2. That, after the inducement ceased to operate, he or she did not unreasonably
13 delay in commencing the action.

14 (b) In no event may liability for past support of the child be imposed for any
15 period before the birth of the child.

16 **SECTION 3066.** 778.02 of the statutes is amended to read:

17 **778.02 Action in name of state; complaint; attachment.** Every such
18 forfeiture action shall be in the name of the state of Wisconsin, and it is sufficient to
19 allege in the complaint that the defendant is indebted to the plaintiff in the amount
20 of the forfeiture claimed, according to the provisions of the statute that imposes it,
21 specifying the statute and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
22 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
23 enforcement assessment imposed by s. 165.755, the enforcement assessment
24 imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer information
25 assessment imposed by s. 100.261 and any applicable domestic abuse assessment

1 imposed by s. 973.055 (1). If the statute imposes a forfeiture for several offenses or
2 delinquencies the complaint shall specify the particular offense or delinquency for
3 which the action is brought, with a demand for judgment for the amount of the
4 forfeiture, penalty assessment, jail assessment, crime laboratories and drug law
5 enforcement assessment, any applicable enforcement assessment, any applicable
6 consumer information assessment and any applicable domestic abuse assessment.
7 If the defendant is a nonresident of the state, an attachment may issue.

8 **SECTION 3067.** 778.03 of the statutes is amended to read:

9 **778.03 Complaint to recover forfeited goods.** In an action to recover
10 property forfeited by any statute it shall be sufficient to allege in the complaint that
11 the property has been forfeited, specifying the statute, with a demand of judgment
12 for the delivery of the property, or the value thereof and for payment of the penalty
13 assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1),
14 the crime laboratories and drug law enforcement assessment imposed by s. 165.755,
15 the enforcement assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable
16 consumer information assessment imposed by s. 100.261 and any applicable
17 domestic abuse assessment imposed by s. 973.055 (1).

18 **SECTION 3068.** 778.06 of the statutes is amended to read:

19 **778.06 Action for what sum.** When a forfeiture is imposed, not exceeding a
20 specific sum or when it is not less than one sum or more than another, the action may
21 be brought for the highest sum specified and for the penalty assessment imposed by
22 s. ~~165.87~~ 757.05, the jail assessment imposed by s. 302.46 (1), the crime laboratories
23 and drug law enforcement assessment imposed by s. 165.755, the enforcement
24 assessment imposed under s. 253.06 (4) (c) or (5) (c), any applicable consumer
25 information assessment imposed by s. 100.261 and any applicable domestic abuse

1 assessment imposed by s. 973.055 (1); and judgment may be rendered for such sum
2 as the court or jury shall assess or determine to be proportionate to the offense.

3 **SECTION 3069.** 778.10 of the statutes is amended to read:

4 **778.10 Municipal forfeitures, how recovered.** All forfeitures imposed by
5 any ordinance or regulation of any county, town, city or village, or of any other
6 domestic corporation may be sued for and recovered, under this chapter, in the name
7 of the county, town, city, village or corporation. It is sufficient to allege in the
8 complaint that the defendant is indebted to the plaintiff in the amount of the
9 forfeiture claimed, specifying the ordinance or regulation that imposes it and of the
10 penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment imposed by s.
11 302.46 (1), the crime laboratories and drug law enforcement assessment imposed by
12 s. 165.755, any applicable consumer information assessment imposed by s. 100.261
13 and any applicable domestic abuse assessment imposed by s. 973.055 (1). If the
14 ordinance or regulation imposes a penalty or forfeiture for several offenses or
15 delinquencies the complaint shall specify the particular offenses or delinquency for
16 which the action is brought, with a demand for judgment for the amount of the
17 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
18 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
19 assessment imposed by s. 165.755, any applicable consumer information assessment
20 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
21 973.055 (1). All moneys collected on the judgment shall be paid to the treasurer of
22 the county, town, city, village or corporation, except that all jail assessments shall be
23 paid to the county treasurer.

24 **SECTION 3070.** 778.105 of the statutes is amended to read:

1 **778.105 Disposition of forfeitures.** Revenues from forfeitures imposed by
2 any court or any branch thereof for the violation of any municipal or county
3 ordinance shall be paid to the municipality or county. Penalty assessment payments
4 shall be made as provided in s. ~~165.87~~ 757.05. Jail assessment payments shall be
5 made as provided in s. 302.46 (1). Crime laboratories and drug law enforcement
6 assessment payments shall be paid as provided in s. 165.755. Domestic abuse
7 assessments shall be made as provided in s. 973.055. Consumer information
8 assessment payments shall be made as provided in s. 100.261.

9 **SECTION 3071.** 778.13 of the statutes is amended to read:

10 **778.13 Forfeitures collected, to whom paid.** All moneys collected in favor
11 of the state for forfeiture, except the portion to be paid to any person who sues with
12 the state, shall be paid by the officer who collects the forfeiture to the treasurer of the
13 county within which the forfeiture was incurred within 20 days after its receipt. In
14 case of any failure in the payment the county treasurer may collect the payment of
15 the officer by action, in the name of the office and upon the official bond of the officer,
16 with interest at the rate of 12% per year from the time when it should have been paid.
17 Penalty assessment payments shall be made as provided in s. ~~165.87~~ 757.05. Jail
18 assessment payments shall be made as provided in s. 302.46 (1). Crime laboratories
19 and drug law enforcement assessment payments shall be paid as provided in s.
20 165.755. Domestic abuse assessments shall be made as provided in s. 973.055.
21 Enforcement assessments shall be made as provided in s. 253.06 (4) (c). Consumer
22 information assessment payments shall be made as provided in s. 100.261.

23 **SECTION 3072.** 778.18 of the statutes is amended to read:

24 **778.18 Penalty upon municipal judge.** If any municipal judge, of his or her
25 own will, dismisses any action brought before the judge under this chapter, unless

1 by order of the district attorney or attorney general or the person joined as plaintiff
2 with the state, or renders a less judgment therein than is prescribed by law, or
3 releases or discharges any such judgment or part thereof without payment or
4 collection, the judge and the judge's sureties shall be liable, in an action upon the
5 judge's bond, for the full amount of the forfeitures imposed by law or of the forfeiture
6 imposed by the judge and for the penalty assessment imposed by s. ~~165.87~~ 757.05,
7 the jail assessment imposed by s. 302.46 (1), the crime laboratories and drug law
8 enforcement assessment imposed by s. 165.755, any applicable consumer
9 information assessment imposed by s. 100.261 and any applicable domestic abuse
10 assessment imposed by s. 973.055 (1), or for an amount equal to the amount in which
11 any such judgment or any part thereof is released or discharged. If any municipal
12 judge gives time or delay to any person against whom any such judgment is rendered
13 by the judge, or takes any bond or security for its future payment, the judge and the
14 judge's sureties shall also be liable for the payment of the judgment upon the judge's
15 bond.

16 **SECTION 3072g.** 778.25 (1) (a) 4. of the statutes is repealed.

SECTION 3072m. 779.85 (6) of the statutes is amended to read:

18 779.85 (6) "Prepayment" means any full or partial payment received by a seller
19 or an obligation incurred by a customer to a creditor or to a seller or to a seller's
20 assignee for maintenance to be performed by a seller if payment is made before the
21 maintenance is rendered or received. This term does not include prepayment for
22 maintenance under an insurance policy. Except with regard to a warranty under s.
23 ~~218.14~~ 101.953, this term does not include prepayment for maintenance to be
24 provided under a manufacturer's warranty on goods or maintenance unless there is

1 a prepayment made for maintenance to be rendered under the warranty separate
2 from the payment for the goods themselves.

3 **SECTION 3073m.** 800.01 (2) (a) of the statutes is amended to read:

4 800.01 (2) (a) Service under sub. (1) (a) shall be as provided in s. 801.11 or
5 968.04 (3) (b) 2. or by personal service by ~~a municipal employee~~ an adult who is a
6 resident of the state where the service is made but who is not a party to the action.

7 **SECTION 3074.** 800.02 (2) (a) 8. of the statutes is amended to read:

8 800.02 (2) (a) 8. Notice that if the defendant makes a deposit and fails to appear
9 in court at the time fixed in the citation, the defendant is deemed to have tendered
10 a plea of no contest and submits to a forfeiture, penalty assessment, jail assessment
11 and crime laboratories and drug law enforcement assessment, any applicable
12 consumer information assessment and any applicable domestic abuse assessment
13 plus costs, including the fee prescribed in s. 814.65 (1), not to exceed the amount of
14 the deposit. The notice shall also state that the court may decide to summon the
15 defendant rather than accept the deposit and plea.

16 **SECTION 3075.** 800.02 (3) (a) 5. of the statutes is amended to read:

17 800.02 (3) (a) 5. A plain and concise statement of the violation identifying the
18 event or occurrence from which the violation arose and showing that the plaintiff is
19 entitled to relief, the ordinance, resolution or bylaw upon which the cause of action
20 is based and a demand for a forfeiture, the amount of which shall not exceed the
21 maximum set by the statute involved, the penalty assessment, the jail assessment,
22 the crime laboratories and drug law enforcement assessment, any applicable
23 consumer information assessment, any applicable domestic abuse assessment and
24 such other relief that is sought by the plaintiff.

25 **SECTION 3076.** 800.03 (3) of the statutes is amended to read:

1 800.03 (3) The amount of the deposit shall be set by the municipal judge, but
2 shall not be effective until approved by the governing body of the municipality. The
3 amount shall not exceed the maximum penalty for the offense, including any penalty
4 assessment that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that
5 would be applicable under s. 302.46 (1), any crime laboratories and drug law
6 enforcement assessment that would be applicable under s. 165.755, any consumer
7 information assessment that would be applicable under s. 100.261 and any domestic
8 abuse assessment that would be applicable under s. 973.055 (1), plus court costs,
9 including the fee prescribed in s. 814.65 (1).

~~10~~ **SECTION 3076m.** 800.02 (4) (a) (intro.) of the statutes is amended to read:

11 800.02 (4) (a) (intro.) The summons shall be signed by a municipal judge or by
12 the attorney who is prosecuting the case in municipal court and shall contain the
13 following information:

~~14~~ **SECTION 3077.** 800.04 (2) (b) of the statutes is amended to read:

15 800.04 (2) (b) If the municipal judge determines that the defendant should not
16 be released under par. (a) and the defendant is charged with a traffic or boating
17 violation, the municipal judge shall release the defendant on a deposit in the amount
18 established by the uniform deposit schedule under s. 345.26 (2) (a) or under s. 23.66.
19 For other violations, the municipal judge shall establish a deposit in an amount not
20 to exceed the maximum penalty for the offense, including any penalty assessment
21 that would be applicable under s. ~~165.87~~ 757.05, any jail assessment that would be
22 applicable under s. 302.46 (1), any crime laboratories and drug law enforcement
23 assessment that would be applicable under s. 165.755, any consumer information
24 assessment that would be applicable under s. 100.261 and any domestic abuse
25 assessment that would be applicable under s. 973.055 (1). If the judge in a 1st class

1 city determines that a defendant appearing before the judge through interactive
2 video and audio transmission should not be released under par. (a), the judge shall
3 inform the defendant that he or she has the right to appear personally before a judge
4 for a determination, not prejudiced by the first appearance, as to whether he or she
5 should be released without a deposit. On failure of the defendant to make a deposit
6 under this paragraph, he or she may be committed to jail pending trial only if the
7 judge finds that there is a reasonable basis to believe the person will not appear in
8 court.

9 **SECTION 3078.** 800.04 (2) (c) of the statutes is amended to read:

10 800.04 (2) (c) If the defendant has made a deposit under par. (b) or s. 800.03
11 and does not appear, he or she is deemed to have tendered a plea of no contest and
12 submits to a forfeiture, a penalty assessment imposed by s. ~~165.87~~ 757.05, a jail
13 assessment imposed by s. 302.46 (1), a crime laboratories and drug law enforcement
14 assessment imposed by s. ~~165.755~~, any applicable consumer information assessment
15 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
16 973.055 (1) plus costs, including the fee prescribed in s. 814.65 (1), not exceeding the
17 amount of the deposit. The court may either accept the plea of no contest and enter
18 judgment accordingly, or reject the plea and issue a summons. If the court finds that
19 the violation meets the conditions in s. 800.093 (1), the court may summon the
20 alleged violator into court to determine if restitution shall be ordered under s.
21 800.093. If the defendant fails to appear in response to the summons, the court shall
22 issue a warrant under s. 968.09. If the defendant has made a deposit but does appear,
23 the court shall allow the defendant to withdraw the plea of no contest.

~~24~~ **SECTION 3078g.** 800.04 (5) of the statutes is created to read:

1 800.04 (5) Unless good cause to the contrary is shown, appearances referred
2 to in this section may be conducted by telephone or by interactive video and audio
3 transmission, if available. If testimony is to be taken under oath, the proceeding
4 shall be reported by a court reporter who is in simultaneous voice communication
5 with all parties to the proceeding. Regardless of the physical location of any party
6 to the call, any plea, waiver, stipulation, motion, objection, decision, order or other
7 action taken by the court or any party shall have the same effect as if made in open
8 court. With the exceptions of scheduling conferences, pretrial conferences, and,
9 during hours the court is not in session, the proceeding shall be conducted in a
10 courtroom or other place reasonably accessible to the public. Simultaneous access
11 to the proceeding shall be provided to persons entitled to attend by means of a
12 loudspeaker or, upon request to the court, by making a person party to the telephone
13 call without charge. The court may permit a hearing under this section to be
14 conducted by telephone or by interactive video and audio transmission only if the
15 defendant consents. The defendant's consent may be made by telephone.

16 **SECTION 3079.** 800.09 (1) (intro.) of the statutes is amended to read:

17 800.09 (1) JUDGMENT. (intro.) If a municipal court finds a defendant guilty it
18 may render judgment by ordering restitution under s. 800.093 and payment of a
19 forfeiture, the penalty assessment imposed by s. ~~165.87~~ 757.05, the jail assessment
20 imposed by s. 302.46 (1), the crime laboratories and drug law enforcement
21 assessment imposed by s. 165.755, any applicable consumer information assessment
22 imposed by s. 100.261 and any applicable domestic abuse assessment imposed by s.
23 973.055 (1) plus costs of prosecution, including the fee prescribed in s. 814.65 (1). The
24 court shall apply any payment received on a judgment that includes restitution to
25 first satisfy any payment of restitution ordered, then to pay the forfeiture,

1 assessments and costs. If the judgment is not paid, the court may proceed under par.
2 (a), (b) or (c) or any combination of those paragraphs, as follows:

3 **SECTION 3080.** 800.09 (1) (a) of the statutes is amended to read:

4 800.09 (1) (a) The court may defer payment of any judgment or provide for
5 instalment payments. At the time the judgment is rendered, the court shall inform
6 the defendant, orally and in writing, of the date by which restitution and the
7 payment of the forfeiture, the penalty assessment, the jail assessment, the crime
8 laboratories and drug law enforcement assessment, any applicable consumer
9 information assessment and any applicable domestic abuse assessment plus costs
10 must be made, and of the possible consequences of failure to do so in timely fashion,
11 including imprisonment, as provided in s. 800.095, or suspension of the defendant's
12 motor vehicle operating privilege, as provided in par. (c), if applicable. If the
13 defendant is not present, the court shall ensure that the information is sent to the
14 defendant by mail. In 1st class cities, all of the written information required by this
15 paragraph shall be printed in English and Spanish and provided to each defendant.

16 **SECTION 3080mg.** 800.09 (1) (c) of the statutes is amended to read:

17 800.09 (1) (c) The court may suspend the defendant's operating privilege, as
18 defined in s. 340.01 (40), until restitution is made and the forfeiture, assessments
19 and costs are paid, if the defendant has not done so within 60 days after the date the
20 restitution or payments or both are to be made under par. (a) and has not notified the
21 court that he or she is unable to comply with the judgment, as provided under s.
22 800.095 (4) (a), except that the suspension period may not exceed 5 years. The court
23 shall take possession of the suspended license and shall forward the license, along
24 with a notice of the suspension clearly stating that the suspension is for failure to
25 comply with a judgment of the court, to the department of transportation. This

1 paragraph does not apply if the forfeiture is assessed for violation of an ordinance
2 that is unrelated to the violator's operation of a motor vehicle.

3 **SECTION 3082.** 800.09 (2) (b) of the statutes is amended to read:

4 800.09 (2) (b) If the person charged fails to appear personally or by an attorney
5 at the time fixed for hearing of the case, the defendant may be deemed to have
6 entered a plea of no contest and the money deposited, if any, or such portion thereof
7 as the court determines to be an adequate penalty, plus the penalty assessment, the
8 jail assessment, the crime laboratories and drug law enforcement assessment, any
9 applicable consumer information assessment and any applicable domestic abuse
10 assessment plus costs, including the fee prescribed in s. 814.65 (1), may be declared
11 forfeited by the court or may be ordered applied upon the payment of any penalty
12 which may be imposed, together with the penalty assessment, the jail assessment,
13 the crime laboratories and drug law enforcement assessment, any applicable
14 consumer information assessment and any applicable domestic abuse assessment
15 plus costs. If the court finds that the violation meets the conditions in s. 800.093 (1),
16 the court may summon the alleged violator into court to determine if restitution shall
17 be ordered under s. 800.093. Any money remaining after payment of any penalties,
18 assessments, costs and restitution shall be refunded to the person who made the
19 deposit. -

20 **SECTION 3083m.** 800.095 (4) (b) 4. of the statutes is amended to read:

21 800.095 (4) (b) 4. That the defendant's operating privilege, as defined in s.
22 340.01 (40), be suspended until the judgment is complied with, except that the
23 suspension period may not exceed 5 years. This subdivision does not apply if the
24 forfeiture is assessed for violation of an ordinance that is unrelated to the violator's
25 operation of a motor vehicle.

1 **SECTION 3084.** 800.10 (2) of the statutes is amended to read:

2 800.10 (2) All forfeitures, fees, penalty assessments, crime laboratories and
3 drug law enforcement assessments, consumer information assessments, domestic
4 abuse assessments and costs paid to a municipal court under a judgment before a
5 municipal judge shall be paid to the municipal treasurer within 7 days after receipt
6 of the money by a municipal judge or other court personnel. At the time of the
7 payment, the municipal judge shall report to the municipal treasurer the title of the
8 action, the offense for which a forfeiture was imposed and the total amount of the
9 forfeiture, fees, penalty assessments, crime laboratories and drug law enforcement
10 assessments, consumer information assessments, domestic abuse assessments and
11 costs, if any. The treasurer shall disburse the fees as provided in s. 814.65 (1). All
12 jail assessments paid to a municipal court under a judgment before a municipal judge
13 shall be paid to the county treasurer within 7 days after receipt of the money by a
14 municipal judge or other court personnel.

15 **SECTION 3085.** 800.12 (2) of the statutes is amended to read:

16 800.12 (2) A municipality may by ordinance provide that a municipal judge
17 may impose a forfeiture for contempt under sub. (1) in an amount not to exceed \$50
18 or, upon nonpayment of the forfeiture, penalty assessment under s. ~~165.87~~ 757.05,
19 jail assessment under s. 302.46 ~~and~~, crime laboratories and drug law enforcement
20 assessment under s. 165.755, any applicable consumer information assessment
21 under s. 100.261 and any applicable domestic abuse assessment under s. 973.055 (1),
22 a jail sentence not to exceed 7 days.

23 **SECTION 3085c.** 802.12 (3) (d) 1. of the statutes is amended to read:

24 802.12 (3) (d) 1. Custody and physical placement under s. 767.24, 767.458 (3),
25 767.51 (3) or 767.62 (4) (a).

1 **SECTION 3085d.** 802.12 (3) (d) 3. of the statutes is amended to read:

2 802.12 (3) (d) 3. Child support under s. 767.25, 767.458 (3), 767.51 or 767.62
3 (4) ~~(a)~~.

4 **SECTION 3086.** 803.03 (2) (b) of the statutes is amended to read:

5 803.03 (2) (b) *Options after joinder.* Any party joined pursuant to par. (a) may
6 1. participate in the prosecution of the action, 2. agree to have his or her interest
7 represented by the party who caused the joinder, or 3. move for dismissal with or
8 without prejudice. If the party joined chooses to participate in the prosecution of the
9 action, the party joined shall have an equal voice with other claimants in such
10 prosecution. If Except as provided in par. (bm), if the party joined chooses to have
11 his or her interest represented by the party who caused the joinder, the party joined
12 shall sign a written waiver of the right to participate which shall express consent to
13 be bound by the judgment in the action. Such waiver shall become binding when filed
14 with the court, but a party may withdraw the waiver upon timely motion to the judge
15 to whom the case has been assigned with notice to the other parties. A party who
16 represents the interest of another party and who obtains a judgment favorable to
17 such other party may be awarded reasonable attorneys fees by the court. If the party
18 joined moves for dismissal without prejudice as to his or her claim, the party shall
19 demonstrate to the court that it would be unjust to require the party to prosecute the
20 claim with the principal claim. In determining whether to grant the motion to
21 dismiss, the court shall weigh the possible prejudice to the movant against the state's
22 interest in economy of judicial effort.

23 **SECTION 3087.** 803.03 (2) (bm) of the statutes is created to read:

24 803.03 (2) (bm) *Joinders because of implication of medical assistance.* If the
25 department of health and family services is joined as a party pursuant to par. (a) and

1 s. 49.89 (2) because of the provision of benefits under subch. IV of ch. 49, the
2 department of health and family services need not sign a waiver of the right to
3 participate in order to have its interests represented by the party that caused the
4 joinder. If the department of health and family services makes no selection under
5 par. (b), the party causing the joinder shall represent the interests of the department
6 of health and family services and the department of health and family services shall
7 be bound by the judgment in the action.

~~8~~ **SECTION 3088a.** 813.16 (7) of the statutes is amended to read:

9 813.16 (7) If the person seeking the appointment of a receiver under sub. (1)
10 is a corporation supervised by the division of savings ~~and loan~~ institutions, home
11 loan bank board, U.S. office of thrift supervision, federal deposit insurance
12 corporation or resolution trust corporation, the court, unless the opposing party
13 objects, shall appoint an officer of such corporation as receiver to act without
~~14~~ compensation and to give such bond as the court requires.

~~15~~ **SECTION 3087c.** 808.075 (4) (d) 11. of the statutes is amended to read:

16 808.075 (4) (d) 11. Enforcement or modification of assignments under s. 767.25
~~17~~ (4m), or 767.265, ~~767.51 (3m) or 767.62 (4) (b) 3.~~

~~18~~ **SECTION 3089.** 814.03 (3) of the statutes is amended to read:

19 814.03 (3) Notwithstanding subs. (1) and (2), where the department of health
20 and family services or a county is joined as a plaintiff pursuant to ss. 49.89 (2) and
21 803.03 (2) (a) because of the provision of benefits under subch. IV of ch. 49, ~~and where~~
22 ~~the interests of the department of health and family services or of the county are~~
23 ~~represented under s. 803.03 (2) (b) by the party who caused the joinder, the~~
24 department of health and family services or the county shall not be liable for costs
25 to any prevailing defendant.

1 **SECTION 3094.** 814.60 (2) (a) of the statutes is amended to read:

2 814.60 (2) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05;

3 **SECTION 3095.** 814.60 (2) (ai) of the statutes is created to read:

4 814.60 (2) (ai) Consumer information assessment imposed by s. 100.261.

5 **SECTION 3095n.** 814.61 (1) (c) 4. of the statutes is created to read:

6 814.61 (1) (c) 4. An action to terminate parental rights under subch. VIII of ch.

7 48.

8 **SECTION 3095p.** 814.61 (1) (c) 5. of the statutes is created to read:

9 814.61 (1) (c) 5. An action for adoption under subch. XIX of ch. 48.

10 **SECTION 3096m.** 814.615 (1) (a) 3. of the statutes is amended to read:

11 814.615 (1) (a) 3. For a study under s. 767.11 (14), a fee of ~~\$300~~ \$500.

12 **SECTION 3097.** 814.63 (3) (a) of the statutes is amended to read:

13 814.63 (3) (a) Penalty assessment imposed by s. ~~165.87~~ 757.05.

14 **SECTION 3098.** 814.63 (3) (ai) of the statutes is created to read:

15 814.63 (3) (ai) Consumer information assessment imposed by s. 100.261.

16 **SECTION 3099.** 814.635 (1) of the statutes is amended to read:

17 814.635 (1) Except for an action for a safety belt use violation under s. 347.48

18 (2m), the clerk of circuit court shall charge and collect a ~~\$7~~ \$9 justice information

19 system fee from any person, including any governmental unit as defined in s. 108.02

20 (17), paying a fee under s. 814.61 (1) (a), (3) or (8) (am), 814.62 (1), (2) or (3) (a) or (b)

21 or 814.63 (1). The justice information system fee is in addition to the other fees listed

22 in this section.

23 **SECTION 3101.** 815.18 (3) (o) of the statutes is amended to read:

24 815.18 (3) (o) *Tuition units.* Tuition units purchased under s. ~~16.24~~ 14.63.

25 **SECTION 3101m.** 823.08 (3) (c) 2. of the statutes is amended to read:

1 823.08 (3) (c) 2. If the agricultural use or agricultural practice alleged to be a
2 nuisance was begun before October 14, 1997, a department may advise the court
3 under subd. 1. only if the department determines that cost-sharing is available to
4 the defendant under s. 92.14, ~~281.16 (5)~~ or 281.65 or from any other source.

5 **SECTION 3102.** 859.02 (2) (a) of the statutes is amended to read:

6 859.02 (2) (a) It is a claim based on tort, on a marital property agreement that
7 is subject to the time limitations under s. 766.58 (13) (b) or (c), on Wisconsin income,
8 franchise, sales, withholding, gift or death taxes, or on unemployment insurance
9 contributions due or benefits overpaid; a claim for funeral or administrative
10 expenses; a claim of this state under s. 46.27 (7g), 49.496 or 49.682 or rules
11 promulgated under s. 46.286 (7); or a claim of the United States; or

12 **SECTION 3103.** 859.07 (2) of the statutes is amended to read:

13 859.07 (2) If the decedent was at the time of death or at any time prior thereto
14 a patient or inmate of any state or county hospital or institution or any person
15 responsible for any obligation owing to the state or county under s. 46.03 (18), 46.10,
16 48.36, 301.03 (18), 301.12 or 938.36 or if the decedent or the spouse of the decedent
17 ever received the family care benefit under s. 46.286, medical assistance under
18 subch. IV of ch. 49, long-term community support services funded under s. 46.27 (7)
19 or aid under s. 49.68, 49.683 or 49.685, the personal representative shall send notice
20 in writing of the date set under s. 859.01 by registered or certified mail to the
21 department of health and family services or the department of corrections, as
22 applicable, and the county clerk of the applicable county not less than 30 days before
23 the date set under s. 859.01, upon such blanks and containing such information as
24 the applicable department or county clerk may provide. The applicable county is the
25 county of residence, as defined in s. 49.001 (6).

1 **SECTION 3104.** 867.01 (3) (a) 4. of the statutes is amended to read:

2 867.01 (3) (a) 4. Whether the decedent or the decedent's spouse received the
3 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
4 long-term community support services funded under s. 46.27 (7) or aid under s.
5 49.68, 49.683 or 49.685.

6 **SECTION 3105.** 867.01 (3) (d) of the statutes is amended to read:

7 867.01 (3) (d) *Notice.* The court may hear the matter without notice or order
8 notice to be given under s. 879.03. If the decedent or the decedent's spouse received
9 the family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
10 long-term community support services funded under s. 46.27 (7) or aid under s.
11 49.68, 49.683 or 49.685, the petitioner shall give notice by certified mail to the
12 department of health and family services as soon as practicable after filing the
13 petition with the court.

14 **SECTION 3106.** 867.02 (2) (a) 6. of the statutes is amended to read:

15 867.02 (2) (a) 6. Whether the decedent or the decedent's spouse received the
16 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
17 long-term community support services funded under s. 46.27 (7) or aid under s.
18 49.68, 49.683 or 49.685.

19 **SECTION 3107.** 867.03 (1g) (c) of the statutes is amended to read:

20 867.03 (1g) (c) Whether the decedent or the decedent's spouse ever received the
21 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
22 long-term community support services funded under s. 46.27 (7) or aid under s.
23 49.68, 49.683 or 49.685.

24 **SECTION 3108.** 867.03 (1m) (a) of the statutes is amended to read:

1 867.03 (1m) (a) Whenever an heir or person who was guardian of the decedent
2 at the time of the decedent's death intends to transfer a decedent's property by
3 affidavit under sub. (1g) and the decedent or the decedent's spouse ever received the
4 family care benefit under s. 46.286, medical assistance under subch. IV of ch. 49,
5 long-term community support services funded under s. 46.27 (7) or aid under s.
6 49.68, 49.683 or 49.685, the heir or person who was guardian of the decedent at the
7 time of the decedent's death shall give notice to the department of health and family
8 services of his or her intent. The notice shall include the information in the affidavit
9 under sub. (1g) and the heir or person who was guardian of the decedent at the time
10 of the decedent's death shall give the notice by certified mail, return receipt
11 requested.

12 **SECTION 3109.** 867.03 (1m) (b) of the statutes is amended to read:

13 867.03 (1m) (b) An heir or person who was guardian of the decedent at the time
14 of the decedent's death who files an affidavit under sub. (1g) that states that the
15 decedent or the decedent's spouse received the family care benefit under s. 46.286,
16 medical assistance under subch. IV of ch. 49, long-term community support services
17 funded under s. 46.27 (7) or aid under s. 49.68, 49.683 or 49.685 shall attach to the
18 affidavit the proof of mail delivery of the notice required under par. (a) showing a
19 delivery date that is not less than 10 days before the day on which the heir or person
20 who was guardian of the decedent at the time of the decedent's death files the
21 affidavit.

22 **SECTION 3110.** 867.035 (1) (a) (intro.) of the statutes is amended to read:

23 867.035 (1) (a) (intro.) Except as provided in par. (bm), the department of
24 health and family services may collect from the property of a decedent, including
25 funds of a decedent that are held by the decedent immediately before death in a joint

1 account or a P.O.D. account, by affidavit under this section an amount equal to the
2 medical assistance that is recoverable under s. 49.496 (3) (a), the long-term
3 community support services under s. 46.27 that is recoverable under s. 46.27 (7g) (c)
4 1., the family care benefit that is recoverable under rules promulgated under s.
5 46.286 (7) or the aid under s. 49.68, 49.683 or 49.685 that is recoverable under s.
6 49.682 (2) (a) and that was paid on behalf of the decedent or the decedent's spouse,
7 if all of the following conditions are satisfied:

8 **SECTION 3111.** 867.035 (4) of the statutes is amended to read:

9 867.035 (4) From the appropriation under s. 20.435 ~~(5)~~ (4) (im), with respect
10 to funds collected by the department under sub. (1) related to medical assistance paid
11 on behalf of the decedent or the decedent's spouse, the department of health and
12 family services shall pay claims under sub. (3), shall pay to the federal government
13 from the amount recovered under this section and not paid out as claims under sub.
14 (3) an amount equal to the amount of federal funds used to pay the benefits recovered
15 under this section and shall spend the remainder of the amount recovered under this
16 section for medical assistance benefits under subch. IV of ch. 49.

~~17~~ **SECTION 3312m.** 891.455 (4) of the statutes is created to read:

18 891.455 (4) The presumption under sub. (2) for cancers caused by smoking or
19 tobacco product use shall not apply to any municipal fire fighter who smokes
20 cigarettes, as defined in s. 139.30 (1), or who uses a tobacco product, as defined in s.
21 139.75 (12), after January 1, 2001.

~~22~~ **SECTION 3111g.** 880.155 (2) of the statutes is amended to read:

23 880.155 (2) If one or both parents of a minor child are deceased and the child
24 is in the custody of the surviving parent or any other person, a grandparent or
25 stepparent of the child may petition for visitation privileges with respect to the child,

1 whether or not the person with custody is married. The grandparent or stepparent
2 may file the petition in a guardianship or temporary guardianship proceeding under
3 this chapter that affects the minor child or may file the petition to commence an
4 independent action under this chapter. The Except as provided in sub. (3m), the
5 court may grant reasonable visitation privileges to the grandparent or stepparent if
6 the surviving parent or other person who has custody of the child has notice of the
7 hearing and if the court determines that visitation is in the best interest of the child.

8 **SECTION 3111j.** 880.155 (3m) of the statutes is created to read:

9 880.155 (3m) (a) Except as provided in par. (b), the court may not grant
10 visitation privileges to a grandparent or stepparent under this section if the
11 grandparent or stepparent has been convicted under s. 940.01 of the first-degree
12 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
13 a parent of the child, and the conviction has not been reversed, set aside or vacated.

14 (b) Paragraph (a) does not apply if the court determines by clear and convincing
15 evidence that the visitation would be in the best interests of the child. The court shall
16 consider the wishes of the child in making the determination.

17 **SECTION 3111m.** 880.155 (4m) of the statutes is created to read:

18 880.155 (4m) (a) If a grandparent or stepparent granted visitation privileges
19 with respect to a child under this section is convicted under s. 940.01 of the
20 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
21 homicide, of a parent of the child, and the conviction has not been reversed, set aside
22 or vacated, the court shall modify the visitation order by denying visitation with the
23 child upon petition, motion or order to show cause by a person having custody of the
24 child, or upon the court's own motion, and upon notice to the grandparent or
25 stepparent granted visitation privileges. /

1 (b) Paragraph (a) does not apply if the court determines by clear and convincing
2 evidence that the visitation would be in the best interests of the child. The court shall
3 consider the wishes of the child in making the determination.

4 **SECTION 3111p.** 880.157 of the statutes is created to read:

5 **880.157 Prohibiting visitation or physical placement if a parent kills**
6 **other parent.** (1) Except as provided in sub. (2), in an action under this chapter
7 that affects a minor child, a court may not grant to a parent of the child visitation or
8 physical placement rights with the child if the parent has been convicted under s.
9 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree
10 intentional homicide, of the child's other parent, and the conviction has not been
11 reversed, set aside or vacated.

12 (2) Subsection (1) does not apply if the court determines by clear and
13 convincing evidence that visitation or periods of physical placement would be in the
14 best interests of the child. The court shall consider the wishes of the child in making
15 the determination.

16 **SECTION 3113m.** 895.505 of the statutes is created to read:

17 **895.505 Disposal of records containing personal information.** (1)
18 **DEFINITIONS.** In this section:

19 (a) "Credit card" has the meaning given in s. 421.301 (15).

20 (am) "Dispose" does not include a sale of a record or the transfer of a record for
21 value.

22 (b) "Financial institution" means any bank, savings bank, savings and loan
23 association or credit union that is authorized to do business under state or federal
24 laws relating to financial institutions, any issuer of a credit card or any investment
25 company.

1 (c) "Investment company" has the meaning given in s. 180.0103 (11e).

2 (d) "Medical business" means any organization or enterprise operated for profit
3 or not for profit, including a sole proprietorship, partnership, firm, business trust,
4 joint venture, syndicate, corporation, limited liability company or association, that
5 possesses information, other than personnel records, relating to a person's physical
6 or mental health, medical history or medical treatment.

7 (e) "Personal information" means any of the following:

8 1. Personally identifiable data about an individual's medical condition, if the
9 data are not generally considered to be public knowledge.

10 2. Personally identifiable data that contain an individual's account or customer
11 number, account balance, balance owing, credit balance or credit limit, if the data
12 relate to an individual's account or transaction with a financial institution.

13 3. Personally identifiable data provided by an individual to a financial
14 institution upon opening an account or applying for a loan or credit.

15 4. Personally identifiable data about an individual's federal, state or local tax
16 returns.

17 (f) "Personally identifiable" means capable of being associated with a particular
18 individual through one or more identifiers or other information or circumstances.

19 (g) "Record" means any material on which written, drawn, printed, spoken,
20 visual or electromagnetic information is recorded or preserved, regardless of
21 physical form or characteristics.

22 (h) "Tax preparation business" means any organization or enterprise operated
23 for profit, including a sole proprietorship, partnership, firm, business trust, joint
24 venture, syndicate, corporation, limited liability company or association, that for a

1 fee prepares an individual's federal, state or local tax returns or counsels an
2 individual regarding the individual's federal, state or local tax returns.

3 (2) DISPOSAL OF RECORDS CONTAINING PERSONAL INFORMATION. A financial
4 institution, medical business or tax preparation business may not dispose of a record
5 containing personal information unless the financial institution, medical business,
6 tax preparation business or other person under contract with the financial
7 institution, medical business or tax preparation business does any of the following:

8 (a) Shreds the record before the disposal of the record.

9 (b) Erases the personal information contained in the record before the disposal
10 of the record.

11 (c) Modifies the record to make the personal information unreadable before the
12 disposal of the record.

13 (d) Takes actions that it reasonably believes will ensure that no unauthorized
14 person will have access to the personal information contained in the record for the
15 period between the record's disposal and the record's destruction.

16 (3) CIVIL LIABILITY; DISPOSAL AND USE. (a) A financial institution, medical
17 business or tax preparation business is liable to a person whose personal information
18 is disposed of in violation of sub. (2) for the amount of damages resulting from the
19 violation.

20 (b) Any person who, for any purpose, uses personal information contained in
21 a record that was disposed of by a financial institution, medical business or tax
22 preparation business is liable to an individual who is the subject of the information
23 and to the financial institution, medical business or tax preparation business that
24 disposed of the record for the amount of damages resulting from the person's use of
25 the information. This paragraph does not apply to a person who uses personal

1 information with the authorization or consent of the individual who is the subject of
2 the information.

3 (4) PENALTIES; DISPOSAL AND USE. (a) A financial institution, medical business
4 or tax preparation business that violates sub. (2) may be required to forfeit not more
5 than \$1,000. Acts arising out of the same incident or occurrence shall be a single
6 violation.

7 (b) Any person who possesses a record that was disposed of by a financial
8 institution, medical business or tax preparation business and who intends to use, for
9 any purpose, personal information contained in the record may be fined not more
10 than \$1,000 or imprisoned for not more than 90 days or both. This paragraph does
11 not apply to a person who possesses a record with the authorization or consent of the
12 individual whose personal information is contained in the record.

13 **SECTION 3111m.** 895.035 (4) of the statutes is amended to read:

14 895.035 (4) Except for recovery under sub. (4a) or for retail theft under s.
15 943.51, the maximum recovery under this section from any parent or parents may
16 not exceed the amount specified in s. 799.01 (1) (d) for damages resulting from any
17 one act of a juvenile in addition to taxable costs and disbursements and reasonable
18 attorney fees, as determined by the court. If 2 or more juveniles in the custody of the
19 same parent or parents commit the same act the total recovery under this section
20 may not exceed the amount specified in s. 799.01 (1) (d), in addition to taxable costs
21 and disbursements. The maximum recovery from any parent or parents for retail
22 theft by their minor child is established under s. 943.51.

23 **SECTION 3111t.** 895.035 (4a) of the statutes is created to read:

24 895.035 (4a) (a) The maximum recovery under this section by a school board
25 or a governing body of a private school from any parent or parents with custody of

1 a minor child may not exceed \$20,000 for damages resulting from any one act of the
2 minor child in addition to taxable costs and disbursements and reasonable attorney
3 fees, as determined by the court, for damages caused to the school board or the
4 governing body of a private school by any of the following actions of the minor child:

5 1. An act or threat that endangers the property, health or safety of persons at
6 the school or under the supervision of a school authority or that damages the
7 property of a school board or the governing body of a private school and that results
8 in a substantial disruption of a school day or a school activity.

9 2. An act resulting in a violation of s. 943.01, 943.02, 943.03, 943.05, 943.06 or
10 947.015.

11 (b) In addition to other recoverable damages, damages under par. (a) may
12 include the cost to the school board or the governing body of a private school in loss
13 of instructional time directly resulting from the action of the minor child under par.
14 (a).

15 (c) If 2 or more minor children in the custody of the same parent or parents are
16 involved in the same action under par. (a), the total recovery may not exceed \$20,000,
17 in addition to taxable costs, disbursements and reasonable attorney fees, as
18 determined by the court.

19 (d) If an insurance policy does not explicitly provide coverage for actions under
20 par. (a), the issuer of that policy is not liable for the damages resulting from those
21 actions.

22 **SECTION 3113m.** 895.58 of the statutes is created to read:

23 **895.58 Liability exemption; use of special waste under public works**
24 **contracts.** (1) In this section:

25 (a) "Department" means the department of natural resources.

1 (b) "Local governmental unit" means a political subdivision of this state, a
2 special purpose district in this state, an agency or corporation of such a political
3 subdivision or special purpose district, or a combination or subunit of any of the
4 foregoing.

5 (c) "Public works project" means any work done under contract to a state agency
6 or local governmental unit.

7 (d) "Special waste" means any solid waste which is characterized for beneficial
8 use in public works projects by the department of natural resources.

9 (2) The department may characterize a solid waste for beneficial use in public
10 works projects by rule, memorandum of understanding between itself and other
11 state agencies or local governmental units, or on a case-by-case basis. The
12 department shall compile and maintain a list of special wastes in a format readily
13 available to the general public and only those special wastes may be required by
14 contracting agencies to be used in a public works project.

15 (3) Special waste, when used in a public works project, is not subject to
16 regulation as solid waste under ch. 289.

17 (4) A person is immune from liability for the use of special waste on a public
18 works project or for damages resulting from the person's actions or omissions
19 relating to the use of the special waste on a public works project if all of the following
20 apply:

21 (a) The acts or omissions by the person occurred while performing work under
22 a contract for a public works project including acts or omissions by any person who
23 has a direct contractual relationship with the prime contractor, as defined in s.
24 779.01 (2) (d), under a contract for a public works project to perform labor or furnish
25 materials.

1 (b) The acts or omissions involving the special wastes were required or
2 permitted in a contract for a public works project and the acts or omissions conformed
3 to the provisions of the contract.

4 (5) Subsection (4) does not apply to any person to whom either of the following
5 applies:

6 (a) The person's act or omission involved reckless, wanton or intentional
7 misconduct.

8 (b) The person's act or omission resulted in injury or death to an individual.

9 **SECTION 3113g.** 895.48 (1m) (intro.) of the statutes, as affected by 1997
10 Wisconsin Acts 67 and 156, is amended to read:

11 895.48 (1m) (intro.) Any physician or athletic trainer licensed under ch. 448,
12 chiropractor licensed under ch. 446, dentist licensed under ch. 447, emergency
13 medical technician licensed under s. 146.50, physician assistant licensed under ch.
14 448, registered nurse licensed under ch. 441 or a massage therapist or bodyworker
15 issued a license of registration under subch. X of ch. 440 who renders voluntary
16 health care to a participant in an athletic event or contest sponsored by a nonprofit
17 corporation, as defined in s. 46.93 (1m) (c), a private school, as defined in s. 115.001
18 (3r), a public agency, as defined in s. 46.93 (1m) (e), or a school, as defined in s. 609.655
19 (1) (c), is immune from civil liability for his or her acts or omissions in rendering that
20 care if all of the following conditions exist:

21 **SECTION 3113m.** 895.48 (1m) (b) of the statutes, as affected by 1997 Wisconsin
22 Act 156, is amended to read:

23 895.48 (1m) (b) The physician, athletic trainer, chiropractor, dentist,
24 emergency medical technician, physician assistant, registered nurse, massage

1 therapist or bodyworker does not receive compensation for the health care, other
2 than reimbursement for expenses.

3 **SECTION 3115.** 938.02 (6) of the statutes is amended to read:

4 938.02 (6) "Foster home" means any facility that is operated by a person
5 required to be licensed by s. 48.62 (1) (a) and that provides care and maintenance for
6 no more than 4 juveniles ~~unless all of the juveniles are siblings or, if necessary to~~
7 enable a sibling group to remain together, for no more than 6 juveniles or, if the
8 department of health and family services promulgates rules permitting a different
9 number of juveniles, for the number of juveniles permitted under those rules.

10 **SECTION 3116.** 938.02 (14m) of the statutes is amended to read:

11 938.02 (14m) "Pupil assistance program" means a program provided by a
12 school board under s. ~~115.362 (4) (b) 2.~~ 115.361 to intervene in the abuse of alcohol
13 and other drugs by pupils.

14 **SECTION 3130m.** 938.20 (8) of the statutes is amended to read:

15 938.20 (8) If a juvenile is held in custody, the intake worker shall notify the
16 juvenile's parent, guardian and legal custodian of the reasons for holding the juvenile
17 in custody and of the juvenile's whereabouts unless there is reason to believe that
18 notice would present imminent danger to the juvenile. If a juvenile who has violated
19 the terms of aftercare supervision administered by the department or a county
20 department is held in custody, the intake worker shall also notify the department or
21 county department, whichever has supervision over the juvenile, of the reasons for
22 holding the juvenile in custody, of the juvenile's whereabouts and of the time and
23 place of the detention hearing required under s. 938.21. The parent, guardian and
24 legal custodian shall also be notified of the time and place of the detention hearing
25 required under s. 938.21, the nature and possible consequences of that hearing, the

1 right to counsel under s. 938.23 regardless of ability to pay and the right to present
2 and cross-examine witnesses at the hearing. If the parent, guardian or legal
3 custodian is not immediately available, the intake worker or another person
4 designated by the court shall provide notice as soon as possible. When the juvenile
5 is alleged to have committed a delinquent act, the juvenile shall receive the same
6 notice about the detention hearing as the parent, guardian or legal custodian. The
7 intake worker shall notify both the juvenile and the juvenile's parent, guardian or
8 legal custodian.

9 **SECTION 3131m.** 938.21 (3) (d) of the statutes is amended to read:

10 938.21 (3) (d) Prior to the commencement of the hearing, the parent, guardian
11 or legal custodian shall be informed by the court of the allegations that have been
12 made or may be made, the nature and possible consequences of this hearing as
13 compared to possible future hearings, the right to counsel under s. 938.23 regardless
14 of ability to pay, the right to confront and cross-examine witnesses and the right to
15 present witnesses.

16 **SECTION 3142g.** 938.23 (2) of the statutes is created to read:

17 938.23 (2) (a) Whenever a juvenile is alleged to be in need of protection or
18 services under s. 938.13, any parent under 18 years of age who appears before the
19 court shall be represented by counsel; but no such parent may waive counsel.

20 (b) If a petition under s. 938.13 is contested, no juvenile may be placed outside
21 his or her home unless the nonpetitioning parent is represented by counsel at the
22 fact-finding hearing and subsequent proceedings. If the petition is not contested,
23 the juvenile may not be placed outside his or her home unless the nonpetitioning
24 parent is represented by counsel at the hearing at which the placement is made. A
25 parent who is required under this paragraph to be represented by counsel may,

1 however, waive counsel if the court is satisfied that such waiver is knowingly and
2 voluntarily made, and the court may place the juvenile outside the home even though
3 the parent was not represented by counsel.

4 **SECTION 3142m.** 938.23 (3) of the statutes is amended to read:

5 938.23 (3) POWER OF THE COURT TO APPOINT COUNSEL. ~~Except in proceedings~~
6 ~~under s. 938.13, at~~ At any time, upon request or on its own motion, the court may
7 appoint counsel for the juvenile or any party, unless the juvenile or the party has or
8 wishes to retain counsel of his or her own choosing. ~~The court may not appoint~~
9 ~~counsel for any party other than the juvenile in a proceeding under s. 938.13.~~

10 **SECTION 3142p.** 938.23 (4) of the statutes is amended to read:

11 938.23 (4) PROVIDING COUNSEL. In any situation under this section in which a
12 ~~person~~ juvenile has a right to be represented by counsel or is provided counsel at the
13 discretion of the court and counsel is not knowingly and voluntarily waived, the court
14 shall refer the ~~person~~ juvenile to the state public defender and counsel shall be
15 appointed by the state public defender under s. 977.08 without a determination of
16 indigency. In any situation under sub. (2) in which a parent 18 years of age or over
17 is entitled to representation by counsel; counsel is not knowingly and voluntarily
18 waived; and it appears that the parent is unable to afford counsel in full, or the parent
19 so indicates; the court shall refer the parent to the authority for indigency
20 determinations specified in s. 977.01 (1). In any other situation under this section
21 in which a person has a right to be represented by counsel or is provided counsel at
22 the discretion of the court, competent and independent counsel shall be provided and
23 reimbursed in any manner suitable to the court regardless of the person's ability to
24 pay, except that the court may not order a person who files a petition under s. 813.122

1 or 813.125 to reimburse counsel for the juvenile who is named as the respondent in
2 that petition.

~~3~~ **SECTION 3130p.** 938.207 (1) (a) of the statutes is amended to read:

4 938.207 (1) (a) The home of a parent or guardian, except that a juvenile may
5 not be held in the home of a parent or guardian if the parent or guardian has been
6 convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05
7 of the 2nd-degree intentional homicide, of a parent of the juvenile, and the conviction
8 has not been reversed, set aside or vacated, unless the person making the custody
9 decision determines by clear and convincing evidence that the placement would be
10 in the best interests of the juvenile. The person making the custody decision shall
11 consider the wishes of the juvenile in making that determination.

~~12~~ **SECTION 3130r.** 938.207 (1) (b) of the statutes is amended to read:

13 938.207 (1) (b) The home of a relative, except that a juvenile may not be held
14 in the home of a relative if the relative has been convicted under s. 940.01 of the
15 first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional
16 homicide, of a parent of the juvenile, and the conviction has not been reversed, set
17 aside or vacated, unless the person making the custody decision determines by clear
18 and convincing evidence that the placement would be in the best interests of the
19 juvenile. The person making the custody decision shall consider the wishes of the
~~20~~ juvenile in making that determination.

21 **SECTION 3129b.** 938.17 (2) (d) of the statutes is amended to read:

22 938.17 (2) (d) If a municipal court finds that the juvenile violated a municipal
23 ordinance other than an ordinance enacted under s. 118.163 or an ordinance that
24 conforms to s. 125.07 (4) (a) or (b), 125.085 (3) (b), 125.09 (2), 961.573 (2), 961.574 (2)
25 or 961.575 (2), the court shall enter any of the dispositional orders permitted under

1 s. 938.343 that are authorized under par. (cm). If a juvenile fails to pay the forfeiture
2 imposed by the municipal court, the court may not impose a jail sentence but may
3 suspend any license issued under ch. 29 for not less than 30 days nor more than 5
4 years, or, unless the forfeiture was imposed for violating an ordinance unrelated to
5 the juvenile's operation of a motor vehicle, may suspend the juvenile's operating
6 privilege, as defined in s. 340.01 (40), for not less than 30 days nor more than 5 years.
7 If a court suspends a license or privilege under this section, the court shall
8 immediately take possession of the applicable license and forward it to the
9 department that issued the license, together with the notice of suspension clearly
10 stating that the suspension is for failure to pay a forfeiture imposed by the court. If
11 the forfeiture is paid during the period of suspension, the court shall immediately
12 notify the department, which shall thereupon return the license to the person.

13 **SECTION 3117d.** 938.02 (15g) of the statutes is amended to read:

14 938.02 (15g) "Secured child caring institution" means a child caring institution
15 operated by a child welfare agency that is licensed under s. 48.66 (1) (b) to hold in
16 secure custody persons adjudged delinquent.

17 **SECTION 3118d.** 938.02 (15m) of the statutes is amended to read:

18 938.02 (15m) "Secured correctional facility" means a correctional institution
19 operated or contracted for by the department of corrections or operated by the
20 department of health and family services for holding in secure custody persons
21 adjudged delinquent. "Secured correctional facility" includes the Mendota juvenile
22 treatment center under s. 46.057, the facility at which the juvenile boot camp
23 program under s. 938.532 is operated, and a facility authorized under s. 938.533 (3)
24 (b), 938.538 (4) (b) or 938.539 (5).

25 **SECTION 3119d.** 938.02 (15p) of the statutes is created to read:

1 938.02 (15p) "Secured group home" means a group home that is licensed under
2 s. 48.66 (1) (b) to hold in secure custody persons who have been convicted under s.
3 938.183 or adjudicated delinquent under s. 938.183 or 938.34 (4m).

4 **SECTION 3120d.** 938.02 (17) of the statutes is amended to read:

5 938.02 (17) "Shelter care facility" means a nonsecure place of temporary care
6 and physical custody for juveniles, including a holdover room, licensed by the
7 department of health and family services under s. 48.66 (1) (a).

8 **SECTION 3123d.** 938.069 (1) (dj) of the statutes is amended to read:

9 938.069 (1) (dj) Provide aftercare services for a juvenile who has been released
10 from a secured correctional facility ~~or~~, a secured child caring institution or a secured
11 group home.

12 **SECTION 3124d.** 938.08 (3) (a) (intro.) of the statutes is amended to read:

13 938.08 (3) (a) (intro.) In addition to the law enforcement authority specified in
14 sub. (2), department personnel designated by the department ~~and~~, personnel of an
15 agency contracted with under s. 301.08 (1) (b) 3. designated by agreement between
16 the agency and the department and personnel of a county contracted with under s.
17 301.08 (1) (b) 4. designated by agreement between the county and the department
18 have the power of law enforcement authorities to take a juvenile into physical
19 custody under the following conditions:

20 **SECTION 3125d.** 938.08 (3) (a) 1. of the statutes is amended to read:

21 938.08 (3) (a) 1. If they are in prompt pursuit of a juvenile who has run away
22 from a secured correctional facility ~~or~~, a child caring institution or a secured group
23 home.

24 **SECTION 3126d.** 938.08 (3) (a) 2. of the statutes is amended to read:

1 938.08 (3) (a) 2. If the juvenile has failed to return to a secured correctional
2 facility ~~or, a child caring institution or a secured group home~~ after any authorized
3 absence.

4 **SECTION 3127d.** 938.08 (3) (b) of the statutes is amended to read:

5 938.08 (3) (b) A juvenile who is taken into custody under par. (a) may be
6 returned directly to the secured correctional facility ~~or, child caring institution or~~
7 secured group home and shall have a hearing regarding placement in a disciplinary
8 cottage or in disciplinary status in accordance with ch. 227.

9 **SECTION 3128d.** 938.17 (1) (c) of the statutes is amended to read:

10 938.17 (1) (c) If the court of civil or criminal jurisdiction orders the juvenile to
11 serve a period of incarceration of 6 months or more, that court shall petition the court
12 assigned to exercise jurisdiction under this chapter and ch. 48 to order one or more
13 of the dispositions provided in s. 938.34, including placement of the juvenile in a
14 secured correctional facility, a secured child caring institution or a secured group
15 home under s. 938.34 (4m), if appropriate.

16 **SECTION 3130d.** 938.183 (1) (a) of the statutes is amended to read:

17 938.183 (1) (a) A juvenile who has been adjudicated delinquent and who is
18 alleged to have violated s. 940.20 (1) or 946.43 while placed in a secured correctional
19 facility, a secure detention facility ~~or, a secured child caring institution or a secured~~
20 group home or who has been adjudicated delinquent and who is alleged to have
21 committed a violation of s. 940.20 (2m).

22 **SECTION 3131d.** 938.208 (2) of the statutes is amended to read:

23 938.208 (2) Probable cause exists to believe that the juvenile is a fugitive from
24 another state or has run away from a secured correctional facility, a secured child

1 caring institution or a secured group home and there has been no reasonable
2 opportunity to return the juvenile.

3 **SECTION 3132d.** 938.22 (title) of the statutes is amended to read:

4 **938.22 (title) Establishment of secure detention facilities and shelter**
5 **care county or private juvenile facilities.**

6 **SECTION 3133d.** 938.22 (1) (a) of the statutes is amended to read:

7 938.22 (1) (a) Subject to s. 48.66 (1) (b), the county board of supervisors of any
8 county may establish a secured group home or a secure detention facility in
9 accordance with ss. 301.36 and 301.37 or the county boards of supervisors for 2 or
10 more counties may jointly establish a secured group home or a secure detention
11 facility in accordance with ss. 46.20, 301.36 and 301.37. The county board of
12 supervisors of any county may establish a ~~secure detention facility or a shelter care~~
13 ~~facility or both~~ in accordance with ss. 46.16 and 46.17 or the county boards of
14 supervisors for 2 or more counties may jointly establish a ~~secure detention facility~~
15 ~~or a shelter care facility or both~~ in accordance with ss. 46.16, 46.17 and 46.20 and
16 301.36. A private entity may establish a secure detention facility in accordance with
17 ss. 301.36 and 301.37 and contract with one or more county boards of supervisors
18 under s. 938.222 for holding juveniles in the private secure detention facility.

19 **SECTION 3134d.** 938.22 (1) (b) of the statutes is amended to read:

20 938.22 (1) (b) Subject to sub. (3) (ar), in counties having a population of less
21 than 500,000, the nonjudicial operational policies of a public secured group home,
22 secure detention facility or shelter care facility shall be determined by the county
23 board of supervisors or, in the case of a public secured group home, secure detention
24 facility or shelter care facility established by 2 or more counties, by the county boards

1 of supervisors for the 2 or more counties jointly. Those policies shall be executed by
2 the superintendent appointed under sub. (3) (a).

3 **SECTION 3135d.** 938.22 (1) (c) of the statutes is amended to read:

4 938.22 (1) (c) In counties having a population of 500,000 or more, the
5 nonjudicial operational policies of a public secured group home, secure detention
6 facility and the detention section of the children's court center shall be established
7 by the county board of supervisors, and the execution thereof shall be the
8 responsibility of the director of the children's court center.

9 **SECTION 3136d.** 938.22 (2) (a) of the statutes is amended to read:

10 938.22 (2) (a) Counties shall submit plans for the secured group home, secure
11 detention facility or juvenile portion of the county jail to the department of
12 corrections and submit plans for the shelter care facility to the department of health
13 and family services. A private entity that proposes to establish a secure detention
14 facility shall submit plans for the secure detention facility to the department of
15 corrections. The applicable department shall review the submitted plans. A county
16 or a private entity may not implement any such plan unless the applicable
17 department has approved the plan. The department of corrections shall promulgate
18 rules establishing minimum requirements for the approval of the operation of
19 secured group homes, secure detention facilities and the juvenile portion of county
20 jails. The plans and rules shall be designed to protect the health, safety and welfare
21 of the juveniles ~~in these~~ placed in those facilities.

22 **SECTION 3137d.** 938.22 (3) (a) of the statutes is amended to read:

23 938.22 (3) (a) In counties having a population of less than 500,000, public
24 secured group homes, secure detention facilities and public shelter care facilities
25 shall be in the charge of a superintendent. The county board of supervisors or, where

1 2 or more counties operate joint public secured group homes, secure detention
2 facilities or ~~public~~ shelter care facilities, the county boards of supervisors for the 2
3 or more counties jointly shall appoint the superintendent and other necessary
4 personnel for the care and education of the juveniles ~~in secure detention or shelter~~
5 ~~care~~ placed in those facilities, subject to par. (am) and to civil service regulations in
6 counties having civil service.

7 **SECTION 3138d.** 938.22 (3) (b) of the statutes is amended to read:

8 938.22 (3) (b) In counties having a population of 500,000 or more, the director
9 of the children's court center shall be in charge of and responsible for public secured
10 group homes, secure detention facilities, the secure detention section of the center
11 and the personnel assigned to this section, including a detention supervisor or
12 superintendent. The director of the children's court center may also serve as
13 superintendent of detention if the county board of supervisors so determines.

14 **SECTION 3139d.** 938.22 (7) (a) of the statutes is amended to read:

15 938.22 (7) (a) No person may establish a shelter care facility without first
16 obtaining a license under s. 48.66 (1) (a). To obtain a license under s. 48.66 (1) (a) to
17 operate a shelter care facility, a person must meet the minimum requirements for a
18 license established by the department of health and family services under s. 48.67,
19 meet the requirements specified in s. 48.685 and pay the license fee under par. (b).
20 A license issued under s. 48.66 (1) (a) to operate a shelter care facility is valid until
21 revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66 (5).

22 **SECTION 3140d.** 938.22 (7) (b) of the statutes is amended to read:

23 938.22 (7) (b) Before the department of health and family services may issue
24 a license under s. 48.66 (1) (a) to operate a shelter care facility, the shelter care facility
25 must pay to that department a biennial fee of \$60.50, plus a biennial fee of \$18.15

1 per juvenile, based on the number of juveniles that the shelter care facility is licensed
2 to serve. A shelter care facility that wishes to continue a license issued under s. 48.66
3 (1) (a) shall pay the fee under this paragraph by the continuation date of the license.
4 A new shelter care facility shall pay the fee under this paragraph by no later than
5 30 days before the opening of the shelter care facility.

6 **SECTION 3141d.** 938.22 (7) (c) of the statutes is amended to read:

7 938.22 (7) (c) A shelter care facility that wishes to continue a license issued
8 under s. 48.66 (1) (a) and that fails to pay the fee under par. (b) by the continuation
9 date of the license or a new shelter care facility that fails to pay the fee under par.
10 (b) by 30 days before the opening of the shelter care facility shall pay an additional
11 fee of \$5 per day for every day after the deadline that the facility fails to pay the fee.

12 **SECTION 3142d.** 938.23 (1) (a) of the statutes is amended to read:

13 938.23 (1) (a) Any juvenile alleged to be delinquent under s. 938.12 or held in
14 a secure detention facility shall be represented by counsel at all stages of the
15 proceedings, but a juvenile 15 years of age or older may waive counsel if the court is
16 satisfied that the waiver is knowingly and voluntarily made and the court accepts
17 the waiver. If the waiver is accepted, the court may not place the juvenile in a secured
18 correctional facility, a secured child caring institution or a secured group home,
19 transfer supervision of the juvenile to the department for participation in the serious
20 juvenile offender program or transfer jurisdiction over the juvenile to adult court.

21 **SECTION 3143.** 938.24 (5) of the statutes is amended to read:

22 938.24 (5) The intake worker shall request that a petition be filed, enter into
23 a deferred prosecution agreement or close the case within 40 days or sooner of receipt
24 of referral information. Before entering into a deferred prosecution agreement, the
25 intake worker shall comply with s. 938.245 (1m), if applicable. If the case is closed

1 or a deferred prosecution agreement is entered into, the district attorney, corporation
2 counsel or other official under s. 938.09 shall receive written notice of such action.
3 If the case is closed, the known victims of the juvenile's alleged act shall receive notice
4 as provided under sub. (5m), if applicable. ~~In addition, if a deferred prosecution~~
5 ~~agreement is entered into placing a juvenile in a youth village program as described~~
6 ~~in s. 118.42, the judge or juvenile court commissioner shall receive written notice of~~
7 ~~such action and, on receipt of that notice, shall enter an order requiring compliance~~
8 ~~with that agreement.~~ A notice of deferred prosecution of an alleged delinquency case
9 shall include a summary of the facts surrounding the allegation and a list of prior
10 intake referrals and dispositions. If a law enforcement officer has made a
11 recommendation concerning the juvenile, the intake worker shall forward this
12 recommendation to the district attorney under s. 938.09. Notwithstanding the
13 requirements of this section, the district attorney may initiate a delinquency petition
14 under s. 938.25 within 20 days after notice that the case has been closed or that a
15 deferred prosecution agreement has been entered into. The judge shall grant
16 appropriate relief as provided in s. 938.315 (3) with respect to any such petition
17 which is not referred or filed within the time limits specified within this subsection.
18 Failure to object if a petition is not referred or filed within a time limit specified in
19 this subsection waives that time limit.

~~20~~ **SECTION 3142r.** 938.243 (1) (e) of the statutes is amended to read:

~~21~~ 938.243 (1) (e) The right of the juvenile to counsel under s. 938.23.

22 **SECTION 3144.** 938.245 (2) (a) 9. of the statutes is repealed.

23 **SECTION 3145.** 938.245 (2) (b) of the statutes is amended to read:

1 938.245 (2) (b) A deferred prosecution agreement, ~~other than an agreement~~
2 ~~under par. (a) 9.,~~ may not include any form of out-of-home placement and may not
3 exceed one year.

4 **SECTION 3146.** 938.245 (3) of the statutes is amended to read:

5 938.245 (3) The obligations imposed under a deferred prosecution agreement
6 and its effective date shall be set forth in writing. ~~If the deferred prosecution~~
7 ~~agreement places the juvenile in a youth village program under sub. (2) (a) 9., the~~
8 ~~judge or juvenile court commissioner shall receive written notice that a deferred~~
9 ~~prosecution agreement has been entered into and, on receipt of that notice, shall~~
10 ~~enter an order requiring compliance with that agreement.~~ The juvenile and a parent,
11 guardian and legal custodian shall receive a copy of the agreement and order, as shall
12 any agency providing services under the agreement.

13 **SECTION 3147.** 938.245 (4) of the statutes is amended to read:

14 938.245 (4) The intake worker shall inform the juvenile and the juvenile's
15 parent, guardian and legal custodian in writing of their right to terminate ~~or, if the~~
16 ~~juvenile is subject to a deferred prosecution agreement under sub. (2) (a) 9., to~~
17 ~~request the court to terminate the deferred prosecution agreement at any time or to~~
18 ~~object at any time to the fact or terms of the deferred prosecution agreement. If an~~
19 ~~objection arises the intake worker may alter the terms of the agreement or request~~
20 ~~the district attorney or corporation counsel to file a petition. If the deferred~~
21 ~~prosecution agreement is terminated the intake worker may request the district~~
22 ~~attorney or corporation counsel to file a petition.~~

23 **SECTION 3148.** 938.245 (5) of the statutes is amended to read:

24 938.245 (5) A deferred prosecution agreement under sub. (2) (a) 1. to 8., (2g)
25 or (2v), may be terminated upon the request of the juvenile, parent, guardian or legal

1 custodian. ~~A deferred prosecution agreement under sub. (2)(a) 9. may be terminated~~
2 ~~by the court upon the request of the juvenile, parent, guardian or legal custodian.~~

3 **SECTION 3148m.** 938.27 (4) (b) of the statutes is amended to read:

4 938.27 (4) (b) Advise the juvenile and any other party, if applicable, of his or
5 her right to legal counsel regardless of ability to pay.

6 **SECTION 3149.** 938.32 (1) (a) of the statutes is amended to read:

7 938.32 (1) (a) At any time after the filing of a petition for a proceeding relating
8 to s. 938.12 or 938.13 and before the entry of judgment, the judge or juvenile court
9 commissioner may suspend the proceedings and place the juvenile under
10 supervision in the juvenile's own home or present placement ~~or in a youth village~~
11 ~~program as described in s. 118.42.~~ The court may establish terms and conditions
12 applicable to the parent, guardian or legal custodian, and to the juvenile, including
13 any of the conditions specified in subs. (1d), (1g), (1m), (1t), (1v) and (1x). The order
14 under this section shall be known as a consent decree and must be agreed to by the
15 juvenile; the parent, guardian or legal custodian; and the person filing the petition
16 under s. 938.25. If the consent decree includes any conditions specified in sub. (1g),
17 the consent decree shall include provisions for payment of the services as specified
18 in s. 938.361. The consent decree shall be reduced to writing and given to the parties.

19 **SECTION 3150.** 938.32 (2) (c) of the statutes is amended to read:

20 938.32 (2) (c) Upon the motion of the court or the application of the juvenile,
21 parent, guardian, legal custodian, intake worker or any agency supervising the
22 juvenile under the consent decree, the court may, after giving notice to the parties
23 to the consent decree and their counsel, if any, extend the decree for up to an
24 additional 6 months ~~or, if the consent decree places the juvenile in a youth village~~
25 ~~program as described in s. 118.42, for up to an additional one year in the absence of~~

1 objection to extension by the parties to the initial consent decree. If the parent,
2 guardian or legal custodian objects to the extension, the court shall schedule a
3 hearing and make a determination on the issue of extension. ~~A consent decree~~
4 ~~placing a juvenile in a youth village program as described in s. 118.42 may be~~
5 ~~extended no more than twice.~~

~~6~~ **SECTION 3153p.** 938.34 (3) (a) of the statutes is amended to read:

7 938.34 (3) (a) The home of a parent or other relative of the juvenile, except that
8 the court may not designate the home of a parent or other relative of the juvenile as
9 the juvenile's placement if the parent or other relative has been convicted under s.
10 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree
11 intentional homicide, of a parent of the juvenile, and the conviction has not been
12 reversed, set aside or vacated, unless the court determines by clear and convincing
13 evidence that the placement would be in the best interests of the juvenile. The court
14 shall consider the wishes of the juvenile in making that determination.

~~15~~ **SECTION 3153r.** 938.34 (3) (b) of the statutes is amended to read:

16 938.34 (3) (b) ~~A home which need not be~~ The home of a person who is not
17 required to be licensed if placement is for less than 30 days, except that the court may
18 not designate the name of a person who is not required to be licensed as the juvenile's
19 placement if the person has been convicted under s. 940.01 of the first-degree
20 intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of
21 a parent of the juvenile, and the conviction has not been reversed, set aside or
22 vacated, unless the court determines by clear and convincing evidence that the
23 placement would be in the best interests of the juvenile. The court shall consider the
24 wishes of the juvenile in making that determination.

~~25~~ **SECTION 3151d.** 938.33 (3) (intro.) of the statutes is amended to read:

1 938.33 (3) CORRECTIONAL PLACEMENT REPORTS. (intro.) A report recommending
2 placement of a juvenile in a secured correctional facility ~~under the supervision of the~~
3 ~~department or~~, a secured child caring institution or a secured group home shall be
4 in writing, except that the report may be presented orally at the dispositional
5 hearing if the juvenile and the juvenile's counsel consent. A report that is presented
6 orally shall be transcribed and made a part of the court record. In addition to the
7 information specified under sub. (1) (a) to (d), the report shall include all of the
8 following:

~~9~~ **SECTION 3152d.** 938.33 (3) (a) of the statutes is amended to read:

10 938.33 (3) (a) A description of any less restrictive alternatives that are
11 available and that have been considered, and why they have been determined to be
12 inappropriate. If the judge has found that any of the conditions specified in s. 938.34
13 (4m) (b) 1., 2. or 3. applies, the report shall indicate that a less restrictive alternative
14 than placement in a secured correctional facility ~~or~~, a secured child caring institution
15 or a secured group home is not appropriate.

~~16~~ **SECTION 3153d.** 938.33 (3r) of the statutes is amended to read:

17 938.33 (3r) SERIOUS JUVENILE OFFENDER REPORT. If a juvenile has been
18 adjudicated delinquent for committing a violation for which the juvenile may be
19 placed in the serious juvenile offender program under s. 938.34 (4h) (a), the report
20 shall be in writing and, in addition to the information specified in sub. (1) and in sub.
21 (3) or (4), if applicable, shall include an analysis of the juvenile's suitability for
22 placement in the serious juvenile offender program under s. 938.34 (4h) or in a
23 secured correctional facility or a secured group home under s. 938.34 (4m), a
24 placement specified in s. 938.34 (3) or placement in the juvenile's home with

1 supervision and community-based programming and a recommendation as to the
2 type of placement for which the juvenile is best suited.

3 **SECTION 3154.** 938.34 (3) (dm) of the statutes is repealed.

4 **SECTION 3155d.** 938.34 (4m) (intro.) of the statutes is amended to read:

5 938.34 (4m) CORRECTIONAL PLACEMENT. (intro.) Place the juvenile in a secured
6 correctional facility or a secured child caring institution under the supervision of the
7 department or in a secured group home under the supervision of a county
8 department if the juvenile is 12 years of age or over or, if the juvenile is under 12 years
9 of age, in a secured child caring institution under the supervision of the department
10 or in a secured group home under the supervision of a county department, unless the
11 department, after an examination under s. 938.50, determines that placement in a
12 secured correctional facility is more appropriate, but only if all of the following apply:

13 **SECTION 3156d.** 938.34 (4n) (intro.) of the statutes is amended to read:

14 938.34 (4n) AFTERCARE SUPERVISION. (intro.) Subject to s. 938.532 (3) and to any
15 arrangement between the department and a county department regarding the
16 provision of aftercare supervision for juveniles who have been released from a
17 secured correctional facility ~~or~~, a secured child caring institution or a secured group
18 home, designate one of the following to provide aftercare supervision for the juvenile
19 following the juvenile's release from the secured correctional facility ~~or~~, secured child
20 caring institution or secured group home:

21 **SECTION 3157d.** 938.34 (4n) (b) of the statutes is amended to read:

22 938.34 (4n) (b) The county department of the county of the court that placed
23 the juvenile in the secured correctional facility ~~or~~, secured child caring institution or
24 secured group home.